

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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TYLER WOOD,

Plaintiff,

DECISION AND ORDER

-vs-

MEDTRONIC, INC.,

14-CV-6298 CJS

Defendant.

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BACKGROUND

On January 30, 2015, Defendant filed a motion (Docket No. [#10]) to dismiss this action. On February 12, 2015, the Court issued a Motion Scheduling Order [#11] directing Plaintiff to file and serve any opposition papers by March 13, 2015, and directing Defendant to file any reply papers by April 3, 2015. Plaintiff did not file a response, and on April 3, 2015, Defendant filed a “reply,” indicating that Plaintiff had not opposed the motion. The same day, the Court received a one-line letter request from Plaintiff, stating: “In connection with the above mentioned matter, I am respectfully requesting an extension of time to respond to the Defendant’s Motion to dismiss Plaintiff’s Complaint.” On April 7, 2015, the Court contacted Plaintiff’s counsel by email and notified him that he would need to tell the Court how much additional time he was seeking. In that regard, the Court was inclined to grant Plaintiff’s request because it routinely does so when litigants ask for extensions prior to a filing deadline. Frankly, at that time the Court had no idea that Plaintiff’s filing deadline had already passed, and consequently it gave little thought to the fact that Plaintiff had not offered any explanation for why an extension was needed.

In any event, it was not until almost a month later, on April 30, 2015, that the Court received a further communication from Plaintiff, asking that the deadline for responsive papers be extended until May 6, 2015. The same day, the Court received a letter from Defendant, opposing Plaintiff’s request, but proposing an alternative briefing schedule in the event that the Court was inclined to grant Plaintiff’s request. In reviewing the docket sheet,

the Court discovered the procedural history set forth above.

## DISCUSSION

Plaintiff's motion for an extension of time is denied, as Plaintiff waited until 20 days past the filing deadline to request an extension, and then offered no reason whatsoever for the request. Obviously, if the Court were to grant an extension under such circumstances, its scheduling orders would essentially become meaningless. Accordingly, the Court will disregard the responsive papers/cross-motion that Plaintiff filed on May 8, 2015, though the Court will still need to determine whether Defendant's motion should be granted or denied on its merits.

Oral argument will be heard before the undersigned on **July 30, 2015 , at 3:30 p.m.** at 1360 United States Courthouse, 100 State Street, Rochester, New York.

SO ORDERED.

Dated:           Rochester, New York  
                  May 18, 2015

ENTER:

/s/ Charles J. Siragusa  
CHARLES J. SIRAGUSA  
United States District Judge